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June 14, 2023

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

RE: *Contant, et al. v. Bank of America Corp., et al.*, No. 17-cv-3139

Dear Judge Schofield:

Class Counsel respectfully submit this letter motion to request permission to seal portions of the Reply Memorandum in Support of Plaintiffs' Motion for Disbursement of the Interest Income Earned on the Settlement Funds. Class Counsel's proposed redactions are limited to claim calculations.

In accordance with your Honor's Rules and Practices, Counsel will file an unredacted version of the brief with the proposed highlights under seal. Thereafter, Counsel will file a redacted version of the brief with exhibits on the record. In addition, attached to this letter is an appendix that identifies the parties and attorneys of record who should have access to the sealed documents.

cc: All Counsel of Record (*via ECF*)

Respectfully submitted,

/s/ Michael Dell'Angelo
Michael Dell'Angelo

Application DENIED without prejudice to renewal. "The common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (internal quotation marks omitted). A court may only seal documents for which there is a presumptive right of access "if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest." *Id.* at 120. "Higher values" may include the attorney client privilege, *id.* at 125, law enforcement interests and the privacy of innocent third parties. *See United State v. Amodeo*, 71 F.3d 1044 (2d Cir. 1995). Class Counsel has not explained how filing the redacted information under seal protects higher values sufficient to overcome the presumption of public access.

Class Counsel may file a renewed request to maintain these documents under seal by **June 20, 2023**, with an explanation of the basis for that request that is sufficient under Second Circuit case law.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 594, and to maintain all currently sealed documents under seal pending a possible renewed motion to seal by Class Counsel.

Dated: June 15, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'L. G. Schofield', written over a horizontal line.
LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE